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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-FIFTH
SESSION

HOUSE FILE No. **506**

February 1, 2007

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The bill was read for the first time and referred to the Committee on Public Safety and Civil Justice

1.1 A bill for an act
1.2 relating to domestic abuse; making repeat offenders who violate domestic abuse
1.3 no contact orders guilty of a felony; defining qualified domestic violence-related
1.4 offenses; amending Minnesota Statutes 2006, sections 518B.01, subdivision 22;
1.5 609.02, subdivision 16.

1.6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.7 Section 1. Minnesota Statutes 2006, section 518B.01, subdivision 22, is amended to
1.8 read:

1.9 Subd. 22. **Domestic abuse no contact order.** (a) A domestic abuse no contact order
1.10 is an order issued by a court against a defendant in a criminal proceeding for:

1.11 (1) domestic abuse;

1.12 (2) harassment or stalking charged under section 609.749 and committed against
1.13 a family or household member;

1.14 (3) violation of an order for protection charged under subdivision 14; or

1.15 (4) violation of a prior domestic abuse no contact order charged under this
1.16 subdivision.

1.17 It includes pretrial orders before final disposition of the case and probationary orders
1.18 after sentencing.

1.19 (b) A person who knows of the existence of a domestic abuse no contact order issued
1.20 against the person and violates the order is guilty of a misdemeanor.

1.21 (c) A person is guilty of a gross misdemeanor who knowingly violates this
1.22 subdivision within ten years of a previous qualified domestic violence-related offense
1.23 conviction or adjudication of delinquency. Upon a gross misdemeanor conviction under
1.24 this paragraph, the defendant must be sentenced to a minimum of ten days' imprisonment

2.1 and must be ordered to participate in counseling or other appropriate programs selected
 2.2 by the court. Notwithstanding section 609.135, the court must impose and execute the
 2.3 minimum sentence provided in this paragraph for gross misdemeanor convictions.

2.4 (d) A person is guilty of a felony and may be sentenced to imprisonment for not
 2.5 more than five years or to payment of a fine of not more than \$10,000, or both, if the
 2.6 person knowingly violates this subdivision:

2.7 (1) within ten years of the first of two or more previous qualified domestic
 2.8 violence-related offense convictions or adjudications of delinquency; or

2.9 (2) while possessing a dangerous weapon, as defined in section 609.02, subdivision
 2.10 6. Upon a felony conviction under this paragraph in which the court stays imposition or
 2.11 execution of sentence, the court shall impose at least a 30-day period of incarceration
 2.12 as a condition of probation. The court also shall order that the defendant participate in
 2.13 counseling or other appropriate programs selected by the court. Notwithstanding section
 2.14 609.135, the court must impose and execute the minimum sentence provided in this
 2.15 paragraph for felony convictions.

2.16 ~~(d)~~ (e) A peace officer shall arrest without a warrant and take into custody a person
 2.17 whom the peace officer has probable cause to believe has violated a domestic abuse no
 2.18 contact order, even if the violation of the order did not take place in the presence of the
 2.19 peace officer, if the existence of the order can be verified by the officer. The person shall
 2.20 be held in custody for at least 36 hours, excluding the day of arrest, Sundays, and holidays,
 2.21 unless the person is released earlier by a judge or judicial officer. A peace officer acting
 2.22 in good faith and exercising due care in making an arrest pursuant to this paragraph is
 2.23 immune from civil liability that might result from the officer's actions.

2.24 Sec. 2. Minnesota Statutes 2006, section 609.02, subdivision 16, is amended to read:

2.25 Subd. 16. **Qualified domestic violence-related offense.** "Qualified domestic
 2.26 violence-related offense" includes a violation of or an attempt to violate the following
 2.27 offenses: sections 518B.01, subdivision 14 (violation of domestic abuse order for
 2.28 protection); 518B.01, subdivision 22 (violation of domestic abuse no contact order);
 2.29 609.185 (first-degree murder); 609.19 (second-degree murder); 609.221 (first-degree
 2.30 assault); 609.222 (second-degree assault); 609.223 (third-degree assault); 609.2231
 2.31 (fourth-degree assault); 609.224 (fifth-degree assault); 609.2242 (domestic assault);
 2.32 609.2247 (domestic assault by strangulation); 609.342 (first-degree criminal sexual
 2.33 conduct); 609.343 (second-degree criminal sexual conduct); 609.344 (third-degree
 2.34 criminal sexual conduct); 609.345 (fourth-degree criminal sexual conduct); 609.377
 2.35 (malicious punishment of a child); 609.713 (terroristic threats); 609.748, subdivision 6

3.1 (violation of harassment restraining order); 609.749 (harassment/stalking); and 609.78,
3.2 subdivision 2 (interference with an emergency call); and similar laws of other states, the
3.3 United States, the District of Columbia, tribal lands, and United States territories.

3.4 **EFFECTIVE DATE.** Sections 1 and 2 are effective August 1, 2007, and apply
3.5 to crimes committed on or after that date.